

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27163 of 2025

Arising Out of PS. Case No.-1897 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Ganesh Sah S/o Late Sukhdev Sah R/o vill - Barhanda, ward no. 12, P.S.-
Ghataho (Ujiyarpur), Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Laxmi Devi W/o Ganesh Sah, D/o Baldev Sah R/o vill- Nagarbasti, P.S.-
Warisnagar (Mathurapur O.P.), Distt.- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ajay Kumar, Advocate
For the Opposite Party/s :	Mr. Umanath Mishra, APP
	Mr. Md. Mobassar Ali, Adv.
	Mr. Dilip Kumar Roy, Adv.
	Mr. Rekha Ranjan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner, learned

counsel for the Opposite Party No. 2 and learned A.P.P. for the

State.

2. The petitioner seeks bail in connection with

Complaint Case No. 1897 of 2022 instituted for the offence

punishable under Section 498A of the Indian Penal Code and

Section 4 of the Dowry Prohibition Act.

3. The prosecution case, in short, is that the

complainant and the petitioner entered in inter-caste marriage on

14-06-2012. It is further alleged that the petitioner, along with

co-accused, demanded a motorcycle or Rs. 80,000/- as dowry.

Upon failure to meet the said demand, the complainant was

subjected to cruelty and harassment. It is further alleged that her

belongings were forcibly taken away and she was ousted from



the matrimonial home along with her two children.

4. Learned counsel for the petitioner submits that the petitioner was granted provisional anticipatory bail on 06.12.2023 by the learned Sessions Judge, Samastipur, vide ABP No. 3231 of 2023. Further submission is that the complainant/opposite party no.2 stated in the Court below on 10.05.2024 that she was assaulted at her matrimonial home. The bail bonds of the petitioner have been cancelled as he failed to appear on call. Thereafter, the petitioner voluntarily surrendered to the concerned Court on 22.01.2025 and has remained in judicial custody ever since. It is further submitted that the petitioner, who is the husband of opposite party no. 2, is ready to keep her with full dignity and honour. It is further submitted that the petitioner is engaged in selling fruits at Durgapur, which is his place of employment.

5. Learned counsel for opposite party no. 2 submits that there is no objection to granting bail to the petitioner, provided he keeps her with full dignity and honour at his place of employment, Durgapur.

6. Learned APP submits that since the parties are willing to live together, the petitioner should be granted bail.

7. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Samastipur, in connection with Complaint Case No. 1897 of 2022.

8. After release of the petitioner from custody, the Court below shall fix a shorter date on which both the petitioner and the Complainant shall appear in the Court and the petitioner shall take his wife/ opposite party no.2 along with him on the said date from the Court premises itself and shall ensure that she resides with him at his place of employment, i.e., Durgapur, where she shall be treated with full dignity and honour. In the event of any default or failure on the part of the petitioner to comply with this direction, the prosecution shall be at liberty to move for cancellation of the bail of the petitioner.

9. It is expected that opposite party no.2 will also co-operate with the petitioner in restoring normal matrimonial relationship between them.

10. The application stands allowed.

(Khatim Reza, J)

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